

**City of Milpitas**  
**Neighborhood Services and Education Subcommittee**  
**City Hall Committee Conference Room**

## Meeting Notes

### Monday, February 24, 2009

**APPROVED MEETING MINUTES**

- |                |      |
|----------------|------|
| 1. Flag Salute | None |
|----------------|------|

- 2. Call to Order** Vice Mayor McHugh called the meeting to order at 5:00 p.m.

**Attendance:** *City Council:* Vice Mayor McHugh and Council member Polanski  
*Staff:* Mike Ogaz ; Tom Williams ; Bryan Otake ; Greg Armendariz; Steve Erickson ; Bonnie Greiner; Jennifer Tagalog; Renee Lorentzen ;

*Guests :* Ed Connor, Senior Advisory Commissioner

### 3. Public Forum (remarks limit to 3 minutes):

- None

#### 4. Announcements:

Bonnie Greiner, Parks and Recreation Director, asked when it would be a good time and day of the week for the Neighborhood Services and Education Committee to meeting. Vice Mayor McHugh and Council member Polanski selected the last Tuesday of each month. The start time of the meeting will either be at 5:30 p.m. or 6:00 p.m. depending on availability of the members. The next subcommittee meeting was scheduled for March 31, 2009, at 5:30 p.m.

## 5. Approval of Agenda

MOTION to approve the February 24, 2009, agenda as submitted.  
M/S: McHugh/Polanski  
All Ayes

## 6. Review of Minutes from the February 2, 2009 Meeting

MOTION to approve the February 2, 2009, minutes as submitted.  
M/S: McHugh/Polanski  
All Ayes

## **7. March 3, 2009, City Council Meeting for approval: Recommend Award of Construction Contract for New Senior Center**

Greg Armendariz, indicated that at the last subcommittee meeting staff recommended awarding the bid to C Overaa & Company Inc who was the apparent low bidder with a base bid of \$6,400,030, but corrected as \$6,430,000. New information was discovered contradicting statements that the low bidder made on its pre-qualification statement, which at the time of preparation of the staff report lead City staff to conclude that the bidder does not comply with the prequalification program for this project. In addition, the bid was submitted with the following three irregularities that staff recommends should not be waived:

- the total base bid was not added correctly,
- the total base bid was not provided in words,
- the bid did not list the percentages for work performed by subcontractors.

Vice Mayor McHugh questioned why the bids were so low and why the contingency amount was not adjusted accordingly. Mr. Armendariz, indicated staff contacted some of the contractors and they indicated the bids were low due to lack of work available and the reduction of costs in construction materials. He also reported that the contingency amount was not reduced because the city anticipates additional expenses to be incurred because the facility was prone to water leaks. The library was in operation during the design phase, so the city was unable to remove walls to further determine the damages and necessary repairs and/or replacement necessary which can be costly.

Staff recommends the agency Board/Council reject the low bid submitted by C. Overaa & Co. and award the project to the second low bidder – Swenson & Associates whose bid has not been found to be responsive, and is in the amount of \$6,538,531. Mr. Armendariz noted that the City did receive a protest letter from C. Overaa & Company and the city will respond and will forward copies to the Council.

The bid package included a total of seven add alternate items, and staff recommends that four of these items be included with the award of contract due to the favorable pricing received. These add alternate items will provide significant additional value to the Senior Center and will provide more useable building for the proposed senior programs.

- No. 1 provides for an operable partition between two classrooms to allow for flexible use for an amount not to exceed \$14,000;
- No. 2 provides four new windows near the front entry for an amount not to exceed \$15,000;
- No. 4 provides an athletic wood flooring system in lieu of the base bid vinyl for an amount not to exceed (-\$1,500). Mr. Armendariz indicated that contractor was able to offer a credit for this item as they may have some connections with contractors to reduce the costs for this add alternate;
- No. 5 provides additional landscaping and trees for the west frontage for an amount not to exceed \$13,000.

The total cost for all four add alternate items is \$40,5000. Awarding the project base bid and the four recommended alternate items to Swenson & Associates brings the total construction contract to \$6,579,031, which is below the engineer's estimate and is within the project's cost plan and budget.

Staff is not recommending the inclusion of Add Alternate items 3A, 3B, or 3C, which provides for mineral fiber cement exterior surface panels with integral color at several locations. It was discovered that these items are a boutique type of product, and of foreign manufacture, with a long fabrication and delivery lead-time. As was experienced with the recently completed parking garage and library, foreign made specialty type construction materials such as these are at great risk to the project schedule and budget. Their availability, pricing, and delivery times typically changes after award of a construction contract, which can add additional cost to the project and delays to the project completion.

Ed Connor, Senior Advisory Commissioner reported that the Senior Advisory Commission members would like the new Senior Center to be named "Milpitas Senior Center". They felt it was more appropriate to name a room after Barbara Lee at the facility vs. the entire facility. Staff was unsure if it was the intent of the Council to move the name "Barbara Lee Senior Center" when the facility moved to the new location.

Vice Mayor McHugh requested that Senior Advisory Commission agendaize this item at their for a formal discussion and then forward their recommendation to the Rules Subcommittee. It was noted that staff would do some additional research with regards to the history of the name change and provide further clarification of the intentions of the Council.

The Senior Center Project construction will be managed by the former Library construction team staff. Staff reviewed the organizational chart with the subcommittee. Mike Ogaz, City Attorney, requested that Bryan Otake, be added to the organizational chart, as he will be providing legal counsel on this project.

Ed Connor, Senior Advisory Commissioner, inquired if there would be a restroom/shower near exercise room in which spouses/caregivers could assist others. Staff indicated that due to liability concerns, there would not be showers at the facility. He also requested the Senior Advisory Commission have a tour of the facility. Staff indicated that at this time, due to safety reasons, a tour would not be possible, however, at a later date further into the project, staff could arrange a tour for the Commissioners prior to the grand opening.

Mr. Armendariz, indicated the construction contingency was established at \$1,750,000. It was recommended to continue with the contract change order policy that was approved for the successful North Main Street Projects – Library, Parking Garage, and Streetscape.

- Staff authorizes to execute change orders for the Senior Center Project, provided that change orders do not exceed established construction contingency amount for the project, and do not require an additional appropriation.
- It allows for the timely completion of the project while addressing the need to respond quickly to construction conditions to avoid and limit potential risks to the City.
- Staff will report on time critical change orders after execution at the regularly monthly progress reports to the Subcommittee and Council.

Greg Armendariz reviewed the Milpitas Senior Center Project #8176 Budget Status and project schedule. The award of project is scheduled for City Council consideration on March 3, 2009. The estimate start of construction is scheduled for March/April 2009.

Vice Mayor McHugh and Council member Polanski requested that a copy of the power point presentation be forwarded electronically to the sub-committee members.

MOTION to Receive Staff Report on the Senior Center Projects, No. 8176.

M/S: Polanski, McHugh

All Ayes

MOTION to reject apparent low bid from C. Overaa & Co. and award construction contract including four add alternate items to Swenson & Associates for the new Milpitas Senior Center, Project No. 8176 and authorize staff to execute change orders for the Senior Center Project, provided that change orders do not exceed the established construction contingency amount for the project.

M/S: McHugh, Polanski

All Ayes

**8. March 17, 2009, City Council Meeting for approval:**

**Recommend approval of Senior Center art installation concept and proposed budget.**

Renee Lorentzen, Cultural Arts Coordinator, provided an updated on the status of the Senior Center art installation concept. The proposed budget is \$75,000 - \$100,000, which would include a bronze sculpture on an artist bench and three additional benches to be located at the front of the facility. The intent of the project was to provide art as well as seating for seniors while they wait outside.

The subcommittee questioned the interpretation of multi-generational and suggested that further clarification be provided in the art installation project description.

MOTION to approve installation concept of this project with a proposed budget of \$75,000 - \$100,000.

M/S: McHugh, Polanski

All Ayes

It was also noted that fixed art would be selected for the interior of the new senior center project as well. Staff will continue to provide updates to the sub-committee as further information becomes available.

**9. Confirm Groundbreaking Ceremony Date and Time**

The subcommittee confirmed March 30<sup>th</sup> at 9:00 a.m. for the new Senior Center Groundbreaking ceremony.

**10. Adjournment**

- Adjournment: 5:40 p.m.